

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

6/2/23

United States of America

v.

Jacob Ruff, Jr.

Case No.

3:23-mj-243

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 12, 2023 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. §§ 922(q)(2)(A) and 924(a) Possession of a Firearm in a School Zone
(4)

18 U.S.C. §§ 922(q)(3)(A) and 924(a) Discharge of a Firearm in a School Zone

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.TIMUR HOUSUM Digitally signed by TIMUR HOUSUM
Date: 2023.06.02 16:40:56 -04'00'

Complainant's signature

Timur J. Housum, SA ATF

Printed name and title

Sworn to before me and signed in my presence. by telephone.

Date: 6/2/23City and state: Dayton, OhioPeter B. Silvain, Jr.
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Timur J. Housum (“Affiant”), being duly sworn, depose and state the following:

1. I have been employed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since July of 2015. As a part of my training with the ATF, I graduated from the Federal Law Enforcement Training Center, Criminal Investigator School, located in Glynco, Georgia. I graduated from the ATF Special Agent Basic Training Academy, located in Glynco, Georgia, in February of 2016. I am currently assigned to a Violent Offender Crime Task Force that investigates criminal organizations in the Southern Judicial District of Ohio. Prior to my employment with ATF, I was an Officer with the Uniformed Division of the United States Secret Service and was employed in this position from February of 2011 through July of 2015 where I received additional training. I have been involved in numerous investigations of Federal firearms and narcotic violations. These investigations have resulted in the arrest and conviction of criminal defendants.

2. I make this affidavit in support of a criminal complaint and arrest warrant for **Jacob Ruff, Jr.**, for violations of 18 U.S.C. §§ 922(q)(2)(A), 922(q)(3)(A) and 924(a)(4).

3. 18 U.S.C. § 922(q)(2)(A) states it shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

4. 18 U.S.C. § 922(q)(3)(A) states it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or otherwise affected interstate or foreign commerce at a place that the person knows is a school zone.

5. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews and reports by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

6. On or about May 31, 2023, at approximately 2325 hours Dayton Police Officers on routine patrol were dispatched to a disturbance call located at Waymire Avenue, Dayton, Ohio 45417. Upon arriving on scene Officers observed a large crowd of people blocking the roadway and moving in and out of vehicles and yards. Officers activated their overhead lights and sounded their sirens and air horn as well as gave commands over their PA system to clear the street and get individuals to leave the area. When people remained in the roadway officers exited their marked cruiser in an effort to take enforcement action. Officers noted that the Waymire

Ave. area was known to be a high gun crime area and multiple shootings had originated from a block party just weeks prior. Officers made contact with several individuals and located rifle ammunition in a male suspect's satchel after he made furtive movements, moving his hands towards his pockets.

7. Officers observed three black males playing music loudly from a lifted white Ford truck and began dancing in the street. Officers attempted to move to the group and remove them from the roadway to clear the block party. Officers stated they observed a black male in a black hoody with a black "fanny pack", similar to the satchel that contained ammunition, who they later identified as Jacob RUFF, Jr. Officers attempted to detain RUFF and upon making contact Officers stated RUFF fled immediately. A foot pursuit ensued with officers and moments later officers deployed their department issued taser, striking RUFF in the upper back and left buttock causing RUFF to fall to the ground. Officers attempted to place RUFF in handcuffs, but he refused to give officers his left hand underneath his person. After multiple attempts to get RUFF to comply with officers' commands to remove his hand from underneath him, Officers deployed their department issued taser a second time. A short time later Officers were able to arrest RUFF. While conducting a search incident to arrest Officers removed a fanny pack from RUFF's person when they observed what they believed to be a firearm based on weight, size, and experience contained in the fanny pack. A search of the fanny pack revealed a firearm further identified as a Taurus, .40 caliber pistol bearing serial number ADE411224. Officers on scene ran the firearm and it was confirmed stolen. RUFF was arrested for resisting arrest, obstructing official business, receiving stolen property and carrying a concealed weapon. RUFF was transported down to the Montgomery County Jail for booking.

8. On or about June 1, 2023, the Taurus, .40 caliber pistol bearing serial number ADE411224 was test fired and submitted via Dayton Police Department property to the ATF National Integrated Ballistic Information Network (NIBIN) for entry by NIBIN technician DPD Detective Anthony Sawmiller for comparison.

9. NIBIN is a nationwide data network administered by the ATF that is comprised of 3-dimensional microscopic images of shell casings collected from crime scenes and test fire cartridges generated from recovered crime guns by law enforcement agencies across the country. These crime scene and test fire cartridges are collected, imaged, and submitted by the respective agencies for comparison to existing submissions contained within NIBIN. NIBIN correlates these submissions into likely matches that are subsequently verified by a NIBIN examiner, and subsequently subjected to a peer-review process, that determines multiple shell casings were generated by the same firearm which resulted in unique tooling marks and characteristics being transferred from the firearm to each shell casing. This information results in the publishment of an investigative lead showing commonalities between each crime event.

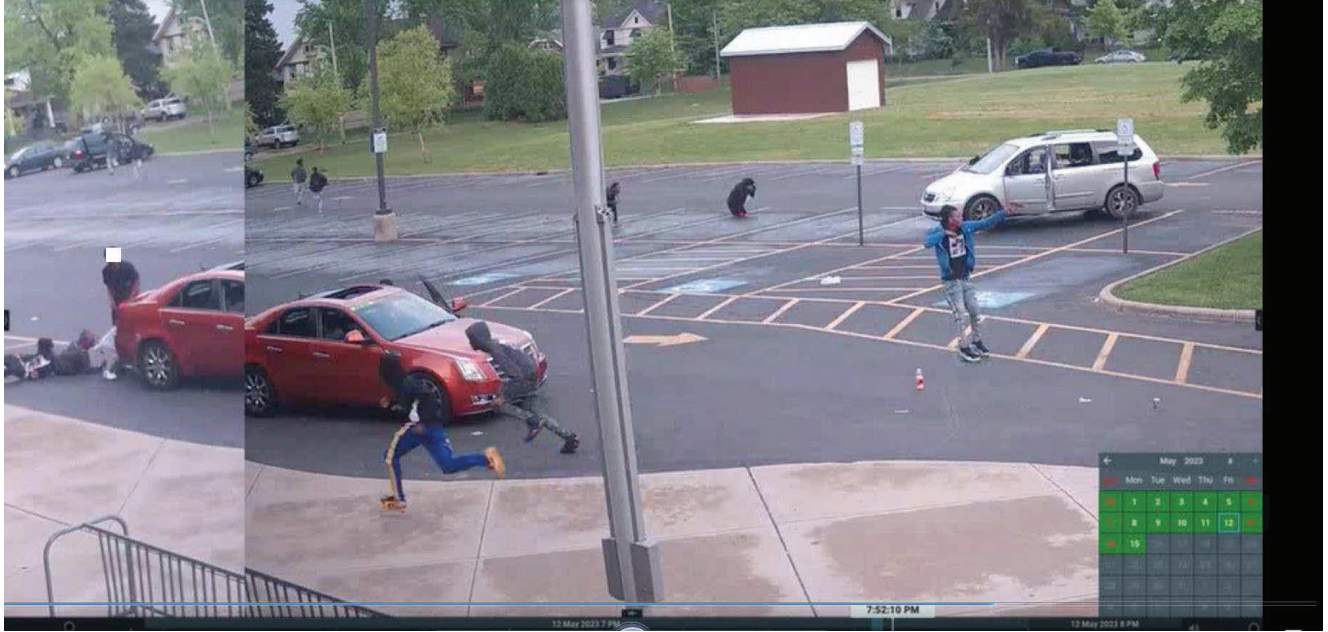
10. On June 1, 2023, S/A Housum received a copy of the NIBIN correlation. A NIBIN lead identified that a test fired casing from the Taurus, .40 caliber pistol recovered from RUFF on May 31, 2023, matched a .40 caliber shell casing from the scene of a shooting at Edwin Joel Brown Middle School on May 12, 2023, that RUFF was named a suspect in.

11. On June 2, 2023, S/A Housum contacted Dayton PD and received a copy of the Dayton PD report referencing the shooting at Edwin Joel Brown Middle school on May 12, 2023. The report stated the following:

12. On May 12, 2023, at approximately 1954 hours, Dayton Police Officers were dispatched to 31 Willowwood Drive on a shots fired call. The caller stated a large group of individuals were fighting at Edwin Joel Brown Middle School. The caller further stated a black male was firing a gun and they observed 4 black males enter an orange Cadillac and drive away from the scene. Officers stated once they were able to gain access to the school camera footage of the incident, they determined the shooting had taken place on the school grounds and in the parking lot of Edwin Joel Brown Middle School. Officers stated individuals on the video were observed firing rounds in the school parking lot towards the school playground at unknown and unobserved individuals. While observing the video footage officers were able to identify some of the shooters based on physical clothing worn during the incident and located them still on scene for interviews. While canvassing the area officers were speaking with a group, they engaged in conversation with a male wearing a blue sweatshirt unzipped, with a t-shirt of photo memories on his shirt and light-colored blue jeans, later identified as RUFF. Officers reviewing the surveillance footage identified RUFF as one of the shooters during the incident. Offices stated they observed after the first shots were fired by a juvenile suspect, RUFF produced a firearm from his waist band and fired rounds towards the playground as well. Officers were unable to locate RUFF on scene after reviewing the school surveillance footage. Officers located five .40 caliber shell casings in the school parking lot. Evidence crews retrieved the casings for further processing.

13. On June 2, 2023, S/A Timur Housum and TFO Matthew Heiser conducted an interview of RUFF. RUFF waived Miranda warnings and stated he understood his rights. During questioning RUFF stated that on May 12, 2023, he went up to Edwin Joel Brown Middle school to celebrate his brother's death date anniversary. RUFF stated he went up to the school but denied any involvement in the shooting or possessing a firearm. RUFF acknowledged that law enforcement responding to the school area, and they made contact with him. RUFF further stated that law enforcement patted him down and no firearm was located on his person.

14. On June 2, 2023, S/A Housum reviewed surveillance camera footage from the May 12, 2023, shooting incident at Edwin Joel Brown Middle school. Upon review S/A Housum observed RUFF draw a firearm from his waist band and appear to point and fire the weapon towards the playground area. This observation and the fact that a .40 caliber shell casing was recovered from the scene and matched that as coming from the .40 caliber pistol recovered from RUFF on May 31, 2023, shows that the firearm expelled a projectile during the May 12, 2023, shooting on school grounds. Below is a screenshot of the surveillance footage. The image depicts RUFF, in a blue shirt, holding what appears to be a firearm and pointing it towards the school playground.



15. Your affiant contacted S/A Chris Reed, an ATF Interstate Nexus agent who confirmed the listed firearms: a Taurus, model PT140 G2A, .40 caliber pistol bearing serial number was made outside of the state of Ohio.

16. Based on the aforementioned facts, Affiant asserts that there is probable cause to believe that on or about May 12, 2023, in the Southern District of Ohio, RUFF, the defendant, possessed a Taurus, model PT140 G2A, .40 caliber pistol bearing serial number ADE411224 with accompanying ammunition and discharged with reckless disregard for the safety of another at a place that he knew was a school zone, in violation of 18 U.S.C. §§ 922(q)(2)(A), 922(q)(3)(A) and 924(a)(4).

Further affiant sayeth naught.

TIMUR HOUSUM Digitally signed by TIMUR HOUSUM
Date: 2023.06.02 16:41:26 -04'00'

Timur J. Housum
Special Agent, ATF
Cincinnati, Ohio

Subscribed and sworn to before me on this 2nd day of June 2023.


Peter B. Silvain, Jr.
United States Magistrate Judge

